SOUTHERN DISTRICT OF NEW YORK	X	
DENNY MARTIN,	: : :	
Plaintiffs,	:	20-CV-10428 (JMF)
-V-	:	SCHEDULING ORDER
BERKSHIRE LIFE INSURANCE COMPANY OF AMERICA,	: : :	
Defendant.	:	
	: X	

JESSE M. FURMAN, United States District Judge:

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On July 5, 2023, the Court issued an order scheduling trial in this matter to begin on October 3, 2023. ECF No. 88. Counsel for Defendant promptly requested that the trial be rescheduled due to conflicts. ECF No. 89. Counsel for Plaintiff objects to that request, noting that he is partially retired and has plans to be out of the country beginning mid-October. ECF No. 91. The Court is sympathetic to counsel for Plaintiff's travel plans, but defense counsel's request to accommodate his previously scheduled mediation is reasonable.

Accordingly, the final pretrial conference is RESCHEDULED to October 26, 2023, at 10:30 a.m., in Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York. The final pretrial conference must be attended by the attorney who will serve as principal trial counsel. The deadline to file any opposition to the motions in limine is extended to September 21, 2023.

It is FURTHER ORDERED that the trial will begin on **October 30, 2023, at 9:30 a.m.**Counsel should familiarize themselves with the Court's Individual Rules and Practices for Trials, available at <a href="https://nysd.uscourts.gov/hon-jesse-m-furman">https://nysd.uscourts.gov/hon-jesse-m-furman</a>.

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The trial date should be treated as a firm date. (Counsel should immediately confirm

the trial date with any and all witnesses and advise the Court if the date is a problem. If counsel

fails to bring any such conflict to the Court's attention within the next three days, no

adjournments will be granted on that basis.) That said, the Court notes that it already has a trial

scheduled for that date, in the consolidated cases of 17-CV-4767, 17-CV-4803, and 18-CV-2111,

which — because they are older — take precedence over this case. The Court will keep counsel

apprised of whether that trial is going forward. If the parties would prefer to have a date certain

for trial, they should consider consenting to the jurisdiction of the assigned Magistrate Judge

who, among other things, is unconstrained by a felony trial schedule.

The parties are further advised that the trial date will not be adjourned on account of a

settlement in principle; put differently, unless the parties (1) file a stipulation of dismissal or

settlement or (2) appear in person to put the material terms of a settlement on the record (and the

Court approves the settlement to the extent that such approval is required), the parties should be

prepared to go to trial as scheduled.

The Clerk of Court is directed to terminate ECF No. 89.

SO ORDERED.

Dated: July 12, 2023

New York, New York

United States District Judge

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